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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,344	12/22/1999	DANIEL I. KERPELMAN	GEMS;0065/	6033

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EXAMINER
MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/470,344	KERPELMAN ET AL.
	Examiner	Art Unit
	Robert W. Morgan	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 October 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the Decision by the Board filed 26 October 2005

reversing the decision of the Examiner. Claims 1-60 are pending.

2.   In the decision by the Board of Patent Appeals and Interference mailed 26 October 2005

the rejections of claims 1-60 were reversed. The reasons for the reversal of claims 1-60 was, in

substance the "the ISP or router or other intermediary in the Internet communication (as defined)

described by the Examiner does not teach or suggest the recited receiving and transmitting of the

addressed data to and from a service provider". (See for example page 7 of BPAI decision). The

Examiner, however, has specific knowledge of a particular reference which demonstrates such

obviousness. Therefore, under 37 CFR 1.198, prosecution is hereby reopened (see MPEP

1214.04). The new grounds of rejection are detailed below.

3.   In light of the above, PROSECUTION IS HEREBY REOPENED. A new ground of

rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

A Technology Center Director has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent

No. 6,006,191 to DiRienzo.

As per claim 1, DiRienzo teaches a medical facility data communications system, the

system comprising:

--the claimed internal data communications network is met by the use of digital

communication links such as Ethernet (see: column 19, lines 35-42);

--the claimed plurality of clients coupled to the internal network and uniquely addressed

on the internal network is met by the different clients such as the CHC (200, Fig. 3) connected to

the diagnostic physician's office (400, Fig. 3) and the gatekeeper's office (500, Fig. 2) via

different types of networks (see: column 19, lines 25-49) this suggests that while using different

networks such as the Intranet all addresses are unique.

DiRienzo teaches a method of transmitting data requests and requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review data (see: column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communications control system coupled to the internal network.

However, DiRienzo teaches the transmission of data between the medical diagnostic facility and the CHC (i.e. the remote provider) via a network requires the use of a network/communication interface (e.g. the recited data communication control system), and thus obviates the step of providing a data communications control system coupled to the internal network. Furthermore, at the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to include network/communication interface (e.g. the recited data communication control system) within the data transmission as taught by DiRienzo with the motivation of assisting in the transmission process by facilitating the reliability of physician accessing and reviewing patient data.

As per claims 2-3, DiRienzo teaches the use of digital communication links such as Ethernet (see: column 19, lines 35-42).

As per claim 4, DiRienzo teaches the claimed clients include at least one medical imaging system configured to produce image data. This limitation is met by the different clients such as the CHC (200, Fig. 3) connected to the diagnostic physician's office (400, Fig. 3) and the gatekeeper's office (500, Fig. 2) via different types of networks (see: column 19, lines 25-49). In

addition, DiRienzo teaches that many diagnostic instrumentalities produce "diagnostic medical

images" (see: column 2, lines 10-16).

As per claim 5, DiRienzo teaches the claimed at least one imaging system is selected

from a group including medical resonance imaging system, computed tomography systems,

ultrasound systems, and x-ray systems (see: column 5, lines 18-25).

As per claims 6-8, DiRienzo teaches the claimed clients include a hospital information

system, radiology department and picture archiving and communication system (see: column 19,

lines 25-28).

As per claims 9-10, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communications control system

configured to access data.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to access data within the data transmission as taught

by DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claims 11-12, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed use of the at least one mobile client

connected to the internal network to access data.

It is well known in computer medical industry that using a portable computer allows a

user access to the Internet. Therefore, it would have been obvious to one having ordinary skill in

the art at the time invention was made to either use a portable computer or a hard wired computer

within the data transmission as taught by DiRienzo with the motivation of allowing the user

unlimited opportunities to access and retrieve information on the Internet, thereby facilitating the

approach of gathering information through over a network in a less time consuming and efficient

manner.

As per claim 13, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) data within the data transmission as taught by DiRienzo with the

motivation of assisting in the transmission process by facilitating the reliability of physician

accessing and reviewing patient data.

As per claim 14, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed exchanging client data and addressed data

between the data communications control system and the remote service provider

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) to exchange data within the data transmission as taught by

DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claim 15, DiRienzo teaches the claimed external network interface includes an interface for at least two different data communications media (see: column 19, lines 25-49).

As per claim 16, DiRienzo teaches a method of transmitting data requests and requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

As per claim 17, DiRienzo teaches a data communications system for a medical diagnostic facility, the system comprising:

--the claimed plurality of clients linked to an internal network, the clients including a medical diagnostic imaging system is met by the different clients such as the CHC (200, Fig. 3) connected to the diagnostic physician's office (400, Fig. 3) and the gatekeeper's office (500, Fig. 2) via different types of networks (see: column 19, lines 25-49).

DiRienzo teaches a method of transmitting data requests and requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review data (see: column 26, lines 45-56). In addition, DiRienzo teaches the use of digital communication links such as Ethernet (see: column 19, lines 35-42).

DiRienzo fails to explicitly teach the claimed data communications control system linked to the internal network.

However, DiRienzo teaches the transmission of data between the medical diagnostic facility and the CHC (i.e. the remote provider) via a network requires the use of a network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) within the data transmission as taught by DiRienzo with the

motivation of assisting in the transmission process by facilitating the reliability of physician

accessing and reviewing patient data.

As per claim 18, DiRienzo teaches the claimed client data includes operational data for

evaluating performance of the medical diagnostic imaging system. This limitation is met by the

RAMIX system (100, Fig. 3), which receives, stores and downloads medical images requiring

diagnostic readings and receives, stores and transmits reports regarding the diagnostic readings

performed on the medical images (see: column 18, lines 37-42).

As per claims 19-21, DiRienzo teaches a system wherein data transmission among one or

more system clients (e.g. the Imaging center, the CHC, the physician at the diagnostic reading

center, and gatekeeper) employs several different types of networks to interconnect the different

system clients (see: column 19, lines 25-49).

DiRienzo fails to explicitly teach the claimed external network is a wide area network

that includes the Internet.

However, at the time of the Applicants' invention, it would have been obvious to one of

ordinary skill in the art to modify the system of DiRienzo to transfer data via a WAN link that

includes the Internet. As suggested by DiRienzo, one would have been motivated to modify the

system to accommodate the preferences of various system users and to ensure that the system

operates efficiently with the available network resources and cost constraints of different users

(see: column 19, lines 40-42).

As per claims 22-24, DiRienzo teaches the claimed clients include a hospital information

system, radiology department and picture archiving and communication system (see: column 19,

lines 25-28).

As per claims 25-26, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communication control system

configured to access data.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to access data within the data transmission as taught

by DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claim 27-28, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed use of the at least one mobile client

connected to the internal network to access data.

It is well known in computer medical industry that using a portable computer allows

access the Internet. Therefore, it would have been obvious to one having ordinary skill in the art

at the time invention was made to either use a portable computer or a hard wired computer

within the data transmission as taught by DiRienzo with the motivation of assisting the users

with accessing and retrieving information on the Internet, thereby facilitating the approach of

gathering information through over a network in a less time consuming and efficient manner.

As per claim 29, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (see: column 26, lines 45-56). In

addition, DiRienzo teaches the use of digital communication links such as Ethernet (see: column

19, lines 35-42).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to access data within the data transmission as taught

by DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claims 30-31, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (see: column 26, lines 45-56).

In addition, DiRienzo teaches the use of digital communication links such as Ethernet (see:

column 19, lines 35-42).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to store and execute communications interface within

the data transmission as taught by DiRienzo with the motivation of assisting in the transmission

process by facilitating the reliability of physician accessing and reviewing patient data.

As per claim 32, DiRienzo teaches a communications system for a medical diagnostic

facility, the system comprising:

--the claimed internal network is met by the use of digital communication links such as

Ethernet (see: column 19, lines 35-42);

--the claimed plurality of clients configured for connection to the network for

transmission of client data. This feature is met by the different clients such as the CHC (200, Fig.

3) connected to the diagnostic physician's office (400, Fig. 3) and the gatekeeper's office (500,

Fig. 2) via different types of networks (see: column 19, lines 25-49).

DiRienzo teaches a method of transmitting data requests and requested data between a

medical diagnostic facility (e.g. diagnostic reading site), a remote data provider (e.g. CHC) and

one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a

network in order to review data (see: column 26, lines 45-56). In addition, DiRienzo teaches the

use of digital communication links such as Ethernet (see: column 19, lines 35-42).

DiRienzo fails to explicitly teach the clients including a physically mobile client as well

as the data communications control system being configured to automatically access client data

including data indicative of a location of the mobile client and data communication control

system coupled to the internal network.

It is well known in computer medical industry that using a portable computer allows

access the Internet. Therefore, it would have been obvious to one having ordinary skill in the art

at the time invention was made to either use a portable computer or a hard wired computer

within the data transmission as taught by DiRienzo with the motivation of assisting the users

with accessing and retrieving information on the Internet, thereby facilitating the approach of

gathering information through over a network in a less time consuming and efficient manner. In

addition, DiRienzo teaches the transmission of data between the medical diagnostic facility and

the CHC (i.e. the remote provider) via a network requires the use of a network/communication

interface (e.g. the recited data communication control system), and thus obviates the step of

providing a data communications control system coupled to the internal network. Furthermore, at

the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the

art to include network/communication interface (e.g. the recited data communication control

system) configured to automatically access client data within the data transmission as taught by

DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claim 33, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (see: column 26, lines 45-56).

DiRienzo fails to teach the claimed control system is configured to detect the location of

the mobile client upon connection of the mobile client to the network.

It is well known in computer medical industry that using a portable computer allows

access the Internet. Therefore, it would have been obvious to one having ordinary skill in the art

at the time invention was made to either use a portable computer or a hard wired computer

including the location of the computer within the data transmission as taught by DiRienzo with

the motivation of assisting the users in uniquely identifying specific addressing information,

thereby providing a simpler and quicker way to access desired data over a network.

As per claim 34, DiRienzo teaches the claimed clients include a medical diagnostic

imaging system, and wherein the client data includes operational data for evaluating performance

of the medical diagnostic imaging system. This limitation is met by the RAMIX system (100, Fig. 3), which receives, stores and downloads medical images requiring diagnostic readings and receives, stores and transmits reports regarding the diagnostic readings performed on the medical images (see: column 18, lines 37-42).

As per claims 35-37, DiRienzo teaches a system wherein data transmission among one or more system clients (e.g. the Imaging center, the CHC, the physician at the diagnostic reading center, and gatekeeper) employs several different types of networks to interconnect the different system clients (see: column 19, lines 25-49).

DiRienzo fails to explicitly teach the claimed external network is a wide area network that includes the Internet.

However, at the time of the Applicants' invention, it would have been obvious to one of ordinary skill in the art to modify the system of DiRienzo to transfer data via a WAN link that includes the Internet. As suggested by DiRienzo, one would have been motivated to modify the system to accommodate the preferences of various system users and to ensure that the system operates efficiently with the available network resources and cost constraints of different users (see: column 19, lines 40-42).

As per claims 38-40, DiRienzo teaches the claimed clients include a hospital information system, radiology department and picture archiving and communication system (see: column 19, lines 25-28).

As per claims 41-42, DiRienzo teaches a method of transmitting data requests and requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communication control system

configured to access data.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to access data within the data transmission as taught

by DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claim 43, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) data within the data transmission as taught by DiRienzo with the

motivation of assisting in the transmission process by facilitating the reliability of physician

accessing and reviewing patient data.

As per claims 44-45, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed data communications control system

configured to store and execute communications interface.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to store and execute communications interface within

the data transmission as taught by DiRienzo with the motivation of assisting in the transmission

process by facilitating the reliability of physician accessing and reviewing patient data.

As per claim 46, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review data (column 26, lines 45-56). In addition, DiRienzo teaches the RAMIX system (100, Fig. 3), which receives, stores and downloads medical images requiring diagnostic readings and receives, stores and transmits reports regarding the diagnostic readings performed on the medical images (see: column 18, lines 37-42).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic facility and the CHC (i.e. the remote provider) via a network requires the use of a network/communication interface (e.g. the recited data communication control system), and thus obviates the step of providing a data communications control system coupled to the internal network. Furthermore, at the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to include network/communication interface (e.g. the recited data communication control system) configured to store and execute communications interface within the data transmission as taught by DiRienzo with the motivation of assisting in the transmission process by facilitating the reliability of physician accessing and reviewing patient data.

As per claim 47, DiRienzo teaches a method of transmitting data requests and requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review data (column 26, lines 45-56). In addition, DiRienzo teaches the use of digital communication links such as Ethernet (see: column 19, lines 35-42).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to store and execute communications interface within

the data transmission as taught by DiRienzo with the motivation of assisting in the transmission

process by facilitating the reliability of physician accessing and reviewing patient data.

As per claim 48, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (see: column 26, lines 45-56). In

addition, DiRienzo teaches the use of digital communication links such as Ethernet (see: column

19, lines 35-42).

DiRienzo fails to explicitly teach the claimed data communications control system.

However, DiRienzo teaches the transmission of data between the medical diagnostic

facility and the CHC (i.e. the remote provider) via a network requires the use of a

network/communication interface (e.g. the recited data communication control system), and thus

obviates the step of providing a data communications control system coupled to the internal

network. Furthermore, at the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to include network/communication interface (e.g. the recited data

communication control system) configured to store and execute communications interface within

the data transmission as taught by DiRienzo with the motivation of assisting in the transmission

process by facilitating the reliability of physician accessing and reviewing patient data.

As per claim 49, DiRienzo teaches the claimed control system includes an operator

interface, and wherein the request is generated via the operator interface (see: column 26, lines

45-56).

As per claim 50, DiRienzo teaches the claimed client data is transmitted to the control

system in a transmission created by operator intervention at the client (see: column 26, lines 45-

56).

As per claims 51-53, DiRienzo teaches the claimed transmission is created via an

interface routine executed interactively by the control system and client, interface routine

includes a web browser application and the step of storing client data for access by the control

system (see: column 26, lines 45-56).

As per claim 54, DiRienzo teaches the claimed the step of logging communications

between the clients and the control system. The features is met by the RAMIX system (100, Fig.

3), which receives, stores and downloads medical images requiring diagnostic readings and

receives, stores and transmits reports regarding the diagnostic readings performed on the medical

images (see: column 18, lines 37-42).

As per claim 55, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic

facility) connected to a network in order to review data (see: column 26, lines 45-56).

DiRienzo fails to explicitly teach the claimed the clients including at least one physically

mobile client and transmitting client data from the clients to a data communications control

system, the client data including at least data indicative of a location of the at least one mobile

client.

It is well known in computer medical industry that using a portable computer allows

access the Internet. Therefore, it would have been obvious to one having ordinary skill in the art

at the time invention was made to either use a portable computer or a hard wired computer

within the data transmission as taught by DiRienzo with the motivation of assisting the users

with accessing and retrieving information on the Internet, thereby facilitating the approach of

gathering information through over a network in a less time consuming and efficient manner. In

addition, DiRienzo teaches the transmission of data between the medical diagnostic facility and

the CHC (i.e. the remote provider) via a network requires the use of a network/communication

interface (e.g. the recited data communication control system), and thus obviates the step of

providing a data communications control system coupled to the internal network. Furthermore, at

the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the

art to include network/communication interface (e.g. the recited data communication control

system) configured to automatically access client data within the data transmission as taught by

DiRienzo with the motivation of assisting in the transmission process by facilitating the

reliability of physician accessing and reviewing patient data.

As per claims 56-57, DiRienzo teaches a method of transmitting data requests and

requested data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data

provider (e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical

diagnostic facility) connected to a network in order to review data (see: column 26, lines 45-56).

DiRienzo fails to teach at least one mobile client is transmitted upon connection of the at

least one mobile client to the network and the step of accessing client data representative of

performance of the clients.

It is well known in computer medical industry that using a portable computer allows

access the Internet. Therefore, it would have been obvious to one having ordinary skill in the art

at the time invention was made to either use a portable computer or a hard wired computer

including the location of the computer within the data transmission as taught by DiRienzo with

the motivation of assisting the users in uniquely identifying specific addressing information,

thereby providing a simpler and quicker way to access desired data over a network.

As per claim 58, this feature has addressed in the rejection of claim 29, and is

incorporated herein.

As per claim 59, DiRienzo teaches the claimed step of transmitting at least a portion of

the client data to a remote service provider via an external network. This feature is met by

transmitting data requests and requested data between a medical diagnostic facility (e.g.

diagnostic reading site), a remote data provider (e.g. CHC) and one or more physician at a

diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review

data (column 26, lines 45-56). In addition, DiRienzo teaches the use of digital communication

links such as Ethernet (see: column 19, lines 35-42).

As per claim 60, DiRienzo teaches a method of transmitting data requests and requested

data between a medical diagnostic facility (e.g. diagnostic reading site), a remote data provider

(e.g. CHC) and one or more physician at a diagnostic reading site (i.e. medical diagnostic facility) connected to a network in order to review data (column 26, lines 45-56). In addition, DiRienzo teaches the use of digital communication links such as Ethernet (see: column 19, lines 35-42).

Response to Arguments

6.   Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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